

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Nava

February 18, 2010

An act to add Section 3004.7 to the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Nava. Wildlife management areas: nontoxic shot.

The Ridley-Tree Condor Preservation Act requires the use of nonlead centerfire rifle and pistol ammunition when taking big game and coyote within specified areas. Existing law generally provides that a violation of the fish and game laws is a crime.

This bill, commencing July 1, 2011, would prohibit the possession or use of any shotgun shell loaded with anything other than nontoxic shot, as defined, when taking migratory game birds, resident small game, or nongame species under the authority of a hunting license within a wildlife management area, as defined. Under the bill, a person who violates that prohibition would be guilty of an infraction punishable by a \$500 fine for the first offense. Because the act would create a new crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) California's system of wildlife management
2 areas, as defined in subdivision (d) of Section 1504 of the Fish
3 and Game Code, protects over 627,000 acres of the state's most
4 important wildlife habitat and hosts many species that are listed
5 as threatened, endangered, or fully protected under state law.
6 Wildlife management areas are virtual islands of habitat that serve
7 as magnets to wildlife and human visitors with excellent wildlife
8 viewing, and fishing and hunting opportunities.
- 9 (b) Wildlife management areas should be managed in accordance
10 with the highest standards of wildlife management.
- 11 (c) Nationally, lead poisoning of waterfowl and the Bald Eagle
12 resulted in a 1991 federal ban on the use of lead shot in all
13 waterfowl and coot hunting areas, including state wildlife
14 management areas.
- 15 (d) Twenty-five states have lead shot prohibitions for hunting
16 beyond those required by the federal government for waterfowl.
- 17 (e) Lead poisoning has been observed in 37 species of birds
18 beyond waterfowl with adverse impacts on mourning doves being
19 especially acute.
- 20 (f) Hunting is a valued tradition in California and hunters play
21 a critical role in wildlife management and conservation, particularly
22 in funding for wildlife conservation generated through license
23 sales and excise taxes on sporting equipment.
- 24 (g) California's fish and wildlife resources are held in trust for
25 the common good of all the people of California.
- 26 (h) Allowing the continued use of lead shot ammunition
27 currently used in hunting small game and game birds in wildlife
28 management areas is inconsistent with best practices for such
29 management.
- 30 (i) It is, therefore, the intent of the Legislature to eliminate the
31 use of lead shot for the purposes of shooting or hunting in wildlife
32 management areas.

1 SEC. 2. Section 3004.7 is added to the Fish and Game Code,
2 to read:

3 3004.7. (a) As used in this section:

4 (1) "Nontoxic shot" means the types of shot approved by the
5 United States Fish and Wildlife Service for hunting waterfowl and
6 coots.

7 (2) "Wildlife management area" ~~means a waterfowl management~~
8 ~~area, deer range, upland game bird management area, or public~~
9 ~~shooting ground.~~ *includes those areas designated as state wildlife*
10 *areas in subdivision (a) of Section 550 of Title 14 of the California*
11 *Code of Regulations.*

12 (b) A person shall not possess or use any shotgun shell loaded
13 with anything other than nontoxic shot when taking migratory
14 game birds, resident small game, or nongame species under the
15 authority of a hunting license within a wildlife management area.

16 (c) A person who violates this section is guilty of an infraction
17 punishable by a fine of five hundred dollars (\$500). A second or
18 subsequent offense shall be punishable by a fine of not less than
19 one thousand dollars (\$1,000) or more than five thousand dollars
20 (\$5,000).

21 (d) This section shall become operative on July 1, 2011.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.